

Application No.: 09/973,070
Group Art Unit: 2872

Docket No.: 8064.701.00
Page 9 of 13

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the subject application. The Non-Final Office Action of October 15, 2003 has been received and contents carefully reviewed.

By this amendment, Applicants hereby amend claims 1, 6, and 25 and respectfully submit no new matter has been entered.

The Examiner rejected claims 1-14, 19-22, and 25 under 35 U.S.C. § 102(e) as being anticipated by Beals et al. (U.S. Pat. App. Pub. No. 2002/0040731); rejected claims 1-4 under 35 U.S.C. § 103(a) as being anticipated by Potash (U.S. Pat. App. Pub. No. 2002/0114595) in view of Di Giovanni et al. (U.S. Pat. No. 4,427,112); rejected claims 15-17, 23, 24, 26, and 27 under 35 U.S.C. § 103(a) as being unpatentable over Beals et al.; and rejected claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Beals et al. in view of Klamm et al. (U.S. Pat. No. 4,756,510). The rejections of the claims are traversed and reconsideration of the claims is respectfully requested in view of the following amendments made above and in view of the following remarks.

The rejection of claims 1-14, 19-22, and 25 under 35 U.S.C. § 102(e) as being anticipated by Beals et al. is respectfully traversed and reconsideration is requested.

Claim 1 is allowable over Beals et al. in that claim 1 recites a combination of elements including, for example "...a service pipe that conveys gas between a gas main and a gas meter... ; a nipple, the nipple including a sidewall attached directly contacting an outer surface of the service pipe; a flexible tube disposed inside the service pipe and the nipple; a pressure fitting directly attached to the sidewall of the nipple, the pressure fitting sealing an end of the flexible tube to the nipple and providing access to an inside of the tube; and a fiber optic cable disposed inside the

Application No.: 09/973,070
Group Art Unit: 2872

Docket No : 8064.701.00
Page 10 of 13

flexible tube, with each end of the fiber optic cable outside the service pipe." Beals et al. fails to teach, either expressly or inherently, at least these features of the claimed invention. Accordingly, Applicants respectfully submit that claims 2-5, which depend from claim 1, are also allowable over Beals et al.

Claim 6 is allowable over Beals et al. in that claim 6 recites a combination of elements including, for example "...feeding the flexible tube through a catch nipple of the first nipple and the second nipple after passing the flexible tube through a different nipple of the first nipple and the second nipple and through the inside of the service pipe; sealing the flexible tube to the first nipple and the second nipple...; and feeding a fiber optic cable through the flexible tube, wherein the first nipple includes a first matching diameter pipe attached to the service pipe, wherein a first hole formed in the service pipe is covered by the first matching diameter pipe, the second nipple includes a second matching diameter pipe attached to the service pipe, wherein a second hole formed in the service pipe is covered by the second matching diameter pipe, and the feeding the flexible tube through the catch nipple includes feeding the flexible tube through the entire length of the matching diameter pipe of the catch nipple." Beals et al. fails to teach, either expressly or inherently, at least these features of the claimed invention. Accordingly, Applicants respectfully submit that claims 7-14 and 19-22, which depend from claim 6, are also allowable over Beals et al.

Claim 25 is allowable over Beals et al. in that claim 25 recites a combination of elements including, for example "...forming a nipple on a gas service pipe connected to a building, the nipple including a matching diameter pipe directly contacting the service pipe, wherein a hole formed in the service pipe at a first point proximate to the building is covered by the matching diameter pipe; sealing, for pressures up to a predetermined maximum pressure, a flexible tube within the service

Application No.: 09/973,070
Group Art Unit: 2872

Docket No.: 8064.701.00
Page 11 of 13

pipe and at an opening of the matching diameter pipe of the nipple from the first point proximate to the building to a second point proximate to a network cable; feeding a fiber optic cable through the flexible tube; connecting a first end of the fiber optic cable adjacent to the first point to equipment in the particular building; and connecting a second end of the fiber optic cable adjacent to the second point to the network cable." Beals et al. fails to teach, either expressly or inherently, at least these features of the claimed invention.

The rejection of claims 1-4 under 35 U.S.C. § 103(a) as being anticipated by Potash in view of Di Giovanni et al. is respectfully traversed and reconsideration is requested.

Claim 1 is allowable over Potash in view of Di Giovanni et al. in that claim 1 recites a combination of elements including, for example "...a service pipe that conveys gas between a gas main and a gas meter... ; a nipple, the nipple including a sidewall attached directly contacting an outer surface of the service pipe; a flexible tube disposed inside the service pipe and the nipple; a pressure fitting directly attached to the sidewall of the nipple, the pressure fitting sealing an end of the flexible tube to the nipple and providing access to an inside of the tube; and a fiber optic cable disposed inside the flexible tube, with each end of the fiber optic cable outside the service pipe." Potash and Di Giovanni et al., either singly or in combination, fail to teach or suggest at least these features of the claimed invention. Accordingly, Applicants respectfully submit that claims 2-4, which depend from claim 1, are also allowable over Potash in view of Di Giovanni et al.

The rejection of claims 15-17, 23, 24, 26, and 27 under 35 U.S.C. § 103(a) as being unpatentable over Beals et al. is respectfully traversed and reconsideration is requested.

Claims 15-17, 23, and 24 include all of the elements of claim 6, as discussed above, and Beals et al. fails to teach or suggest at least the features of independent claim 6 as recited above.

Application No.: 09/973,070
Group Art Unit: 2872

Docket No.: 8064.701.00
Page 12 of 13

Accordingly, Applicants respectfully submit that claims 15-17, 23, and 24 are allowable by virtue of their dependence from claim 6.

Claims 26 and 27 include all of the elements of claim 25, as discussed above, and Beals et al. fails to teach or suggest at least the features of independent claim 25 as recited above. Accordingly, Applicants respectfully submit that claims 26 and 27 are allowable by virtue of their dependence from claim 25.

The rejection of claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Beals et al. in view of Klamm et al. is respectfully traversed and reconsideration is requested.

Claim 18 includes all of the elements of claim 6, as discussed above, and Beals et al. fails to teach or suggest at least the features of independent claim 6 as recited above. Similarly, Klamm et al. fails to cure the deficiencies of Beals et al. Accordingly, Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness regarding claim 18 in view of claim 6, as above.

Applicants believe the foregoing amendments place the application in condition for allowance and early, favorable action is respectfully solicited. Should the Examiner deem that a telephone conference would further the prosecution of this application, the Examiner is invited to call the undersigned attorney at (202) 496-7500.

Application No.: 09/973,070
Group Art Unit: 2872

Docket No.: 8064.701.00
Page 13 of 13

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136. Please credit any overpayment to deposit Account No. 50-0911.

Respectfully submitted,

MCKENNA LONG & ALDRIDGE LLP

P R O P O S E D

Date: _____

By _____

Kurt M. Eaton
Registration No. 51,640

1900 K Street, N.W.
Washington, D.C. 20006
Telephone No.: (202) 496-7500
Facsimile No.: (202) 496-7756